IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5941 OF 2005

Smt.Sakhubai Balu Shelke : Petitioner

V/s.

The Senior Section Engineer
(Signal and Maintenance),
Central Railway, Pune & Ors. : Respondents

...

Mr.A.P.Vanarse for the petitioner.

Mr.Suresh Kumar for the respondents.

...

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.

DATE : February 1, 2006.

P.C.

1. Mr.Suresh Kumar accepts notice on behalf of the respondents. Mr.Suresh Kumar sought time. Considering the urgency, the request is rejected.

2. Rule. Heard forthwith.

3. The controversy is limited. The husband of the petitioner expired on 2.8.1996. Original Application was filed on 26.7.2000. The Tribunal had directed to

consider the applicant's case for family pension under rule 65 of the Railway Services (Pension) Rules, 1993. The family pension was to be considered with effect from 26.7.2000. July 26, 2000 was the date of filing the Original Application. In our opinion, the petitioner would be entitled to the benefit at least for three years prior to 26.7.2000 which would be from 26.7.1997. Pension has been directed to be released from 26.7.2000. In these circumstances, we modify the order of the Tribunal by issuing the following directions:-

The family pension be fixed as on 2.8.1996, but the benefits to be paid to the petitioner only from 26.7.1997. The order dated 16.6.2004 as reviewed by the order dated 24.8.2004 stands modified accordingly.

4. Rule is made absolute in the aforementioned terms.

F.I. REBELLO, J.

DR.D.Y.CHANDRACHUD, J.